

(ORDER LIST: 527 U. S.)

MONDAY, JUNE 21, 1999

**CERTIORARI -- SUMMARY DISPOSITION**

97-1988 REOGAS, CARMEN, ET AL. V. GRAY, JIMMY, ET AL.

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *Faragher v. City of Boca Raton*, 524 U.S. 775 (1988), and 11 U.S.C. Sec. 362. Justice Scalia would grant the petition for a writ of certiorari and vacate the judgment below. Costs under Rule 43.2 are not allowed.

98-1332 BABBITT, SEC. OF INTERIOR V. CRAWFORD, SYLVIA

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *West v. Gibson*, 527 U.S. \_\_\_\_ (1999).

98-6678 LEMONS, EDWARD V. NORTH CAROLINA

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the Supreme Court of North Carolina for further consideration in light of *Lilly v. Virginia*, 527 U.S. \_\_\_\_ (1999).

98- 8363 SMITH, PAUL A. V. OHIO

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the Court of Appeals of Ohio, Cuyahoga County, for further consideration in light of *Lilly v. Virginia*, 527 U.S. \_\_\_\_ (1999).

**ORDERS IN PENDING CASES**

M-76 ANAND P. AGARWAL, ET UX. V. RHONALD MORRIS, ET AL.

The motion to direct the Clerk to file a petition for a writ of certiorari out-of-time is denied.

126, ORIG. KANSAS V. NEBRASKA AND COLORADO

The motion to strike Nebraska's counterclaims is denied. Nebraska is granted leave to file a motion to dismiss, in the nature of a motion under Rule 12(b)(6), Federal Rules of Civil Procedure, limited to the question whether the Republican River Compact restricts a State's consumption of groundwater. If such a motion is filed, the parties shall then brief the legal issue. The motion and opening brief of Nebraska shall be filed on or before 45 days from the date of this order. Kansas' brief shall be filed within 30 days thereafter, after which Nebraska may promptly file a reply brief. Further consideration of the motion for appointment of Special Master is deferred.

98-1932 PATAKI, GEORGE, GOV. OF NY, ET AL. V. GRUMET, LOUIS, ET AL.  
(A-1023)

The application for stay presented to Justice Ginsburg and by her referred to the Court is granted and it is ordered that the judgment of the Court of Appeals of New York, case No. 38, dated May 11, 1999, is stayed pending the disposition of the petition for a writ of certiorari. Should the petition for a writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for a writ of certiorari is granted, the stay shall continue pending the issuance of the mandate of this Court.

98-8970 HOLSEY, AARON V. DIR. OF CLASSIFICATION

The motion of petitioner for leave to proceed *in forma pauperis* is denied. See Rule 39.8. Petitioner is allowed until July 12, 1999, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of Rules of this Court.

**APPEAL -- JURISDICTION NOTED**

98-1682 UNITED STATES, ET AL. V. PLAYBOY ENTERTAINMENT GROUP

In this case probable jurisdiction is noted.

**CERTIORARI GRANTED**

98-1255 UNITED STATES V. MARTINEZ-SALAZAR, ABEL

The motion of respondent for leave to proceed *in*

*forma pauperis* is granted. The petition for a writ of certiorari is granted.

**CERTIORARI DENIED**

- 97-1892 BILZERIAN, PAUL V. UNITED STATES
- 98-495 JOHNSON, EDWARD V. UNITED STATES
- 98-1041 WHITBURN, SEC. , WI, ET AL. V. ADDIS, PATRICK, ET AL.
- 98-1089 HAMILTON AMUSEMENT, ET AL. V. VERNIERO, NJ ATTY. GEN.
- 98-1273 VAN DYKEN, FRED V. DAY, DIR. , MI DEPT. OF CORRS
- 98-1324 SWARTZ, MITCHELL vs. IRS, ET AL.
- 98-1330 APPALACHIAN POWER CO. , ET AL. vs. EPA, ET AL.
- 98-1481 KOSTER, NORMAN P. V. UNITED STATES
- 98-1495 CHIEJINA, CHRISTIAN V. FLORIDA
- 98-1505 FRIAS-MUNOZ, JESUS M V. ALBRIGHT, SEC. OF ST.
- 98-1511 AUBURN, WA V. UNITED STATES, ET AL.
- 98-1666 SANTA MARIA, CA, ET AL. V. RUIZ, ESPERANZA, ET AL.
- 98-1670 LOZANO, ELISA, ETC. , ET AL. V. TOYOTA MOTOR CORP. , ET AL.
- 98-1685 HARKER, GEORGE R. V. UNIV. PROF. OF IL, ET AL.
- 98-1690 FELLENCER, CYNTHIA A. V. PENOBSCOT NATION
- 98-1691 DRYDEN, QUINTON, ET AL. V. MADISON COUNTY, FL
- 98-1699 HOULT, DAVID P. V. HOULT, JENNIFER
- 98-1722 CABIRI, BAWOL, ET UX. V. GHANA
- 98-1764 PATIS, ROBERT V. ILLINOIS
- 98-1766 COLWELL, WILLIE V. INDIANA
- 98-1776 RIVERA, EDUARDO V. SHERIFF, COOK COUNTY, IL
- 98-1798 JOHNSTON, THOMAS V. TWENTY GRAND OFFSHORE, ET AL.
- 98-1852 FINNEGAN, JACK R. V. KRUSE, MONTE, ET AL.

98-1855 GIBSON, JAMES F. V. SLATER, SEC. OF TRANSPORT.  
98-1858 BETTS, DONNA M V. CONTAINER CORP. OF AM  
98-1861 MASSIEU, MARIO RUIZ V. UNITED STATES  
98-1868 DAVISON, ROSE M , ET AL. V. UNITED STATES, ET AL.  
98-1870 UNITED STATIONERS, INC. V. UNITED STATES  
98-1871 FROST, BILLY D. V. UNITED STATES  
98-1874 VENDETTO, JOSEPH V. SONAT OFFSHORE DRILLING, INC  
98-6111 ROBINSON, ROBERT J. V. CALIFORNIA  
98-7805 THOMAS, DERRICK, ET AL. V. UNITED STATES  
98-7987 GUNSBY, DONALD V. FLORIDA  
98-8193 KIMBRELL, SHANE V. UNITED STATES  
98-8201 PINSON, BARON V. V. UNITED STATES  
98-8373 McCOY, TERRY H. V. ANGELONE, DIR. , VA DOC  
98-8522 THOMAS, LEWIS V. ANDERSON, WARDEN  
98-8715 STORY, STANTON T. V. KINDT, WARDEN, ET AL.  
98-8724 WILSON, CARLTON E. V. UNITED STATES  
98-8758 SINGLETON, SONYA E. V. UNITED STATES  
98-8947 HUTCHERSON, LARRY E. V. ALABAMA  
98-8964 HARTLINE, JOHN S. V. HAMBRICK, MARGARET, ET AL.  
98-8966 GRAVES, DENNIS R. V. WILLIAMS, LEOTA  
98-8967 DAVIS, ERNEST V. HOWES, WARDEN  
98-8969 FOREMAN, MARCUS R. V. ILLINOIS  
98-8971 HOWARD, RODERICK V. LAND, MICHAEL, ET AL.  
98-8975 EDWARDS, BRIAN D. V. CALIFORNIA  
98-8976 DUNN, ANTHONY V. NEW YORK  
98-8977 HAWKINS, STACY V. SCHOOLEY, R. WILLIAM, ET AL.  
98-8978 HAWKINS, STACY V. MI DOC

98- 8979 GREEN, ANDRE V. TRIPPETT, WARDEN  
98- 8983 RIVES, JAMES V. MONMOUTH COUNTY, ET AL.  
98- 8985 EVANS, JAMES E. vs. YLST, WARDEN  
98- 8990 GRAHAM, RICKY V. QUICK, MARGARET  
98- 8995 THOMAS, STEVEN A. V. CALIFORNIA  
98- 9010 MELENDEZ, PABLO V. TEXAS  
98- 9015 MORALES, ROBERT V. HENRY, WARDEN, ET AL.  
98- 9017 MALLARD, GEORGE V. FIELDS, LARRY  
98- 9020 SIMS, TERRY M V. MOORE, SEC. , FL DOC  
98- 9022 WALKER, DRUCE D. V. COOPER, QUINCY, ET AL.  
98- 9029 LUMBEF, PAUL V. ARDEN FAIR APTS. , ET AL.  
98- 9032 LUMBEF, PAUL V. STANFORD MEDICAL GROUP  
98- 9033 MIDDLETON, MICHAEL V. FLORIDA  
98- 9034 JACKSON, JOSEPH M vs. USDC WD OK  
98- 9051 PADAVICH, CHRISTOPHER F. V. THALACKER, WARDEN  
98- 9053 BARRETT, MOLLY L. S. V. DALKON SHIELD CLAIMANTS  
98- 9059 BURCKHALTER, KEVIN D. V. TAYLOR, WARDEN, ET AL.  
98- 9062 JORDAN, KELVIN V. MISSISSIPPI  
98- 9078 BOWLING, THOMAS C. V. KENTUCKY  
98- 9082 TAYLOR, EMMA V. ST. VINCENT DePAUL SOCIETY  
98- 9089 BROOKS, WILLIAM C. V. MADDING, WARDEN, ET AL.  
98- 9092 SCHLEEPER, NEAL V. MISSOURI  
98- 9094 SMITH, OSCAR F. V. TENNESSEE  
98- 9160 LOWERY, WARREN V. GREINER, SUPT. , SING SING  
98- 9197 SYVERTSON, CHARLES E. V. HUKKEE, DON  
98- 9201 SHEPPARD, BOBBY T. V. OHIO  
98- 9233 ELROD, FREDDIE V. CALIFORNIA

98-9256 RICHARDSON, JAMES S. V. JOHNSON, DIR. , TX DCJ  
98-9305 MANCUSO, ALFRED V. HERBERT, SUPT. , COLLINS  
98-9318 WHITE, MELVIN L. V. NORTH CAROLINA  
98-9331 CARDWELL, KEVIN M V. WATKINS, RICK  
98-9344 NEAL, JOHN L. V. ALABAMA  
98-9350 VERGARA, ROSITA F. V. UNITED STATES  
98-9355 LYNCH, KEVIN V. UNITED STATES  
98-9357 TAYLOR, MIGUEL V. RENO, ATTY. GEN. , ET AL.  
98-9358 WILLIAMSON, ANTHONY V. UNITED STATES  
98-9366 VALDEZ-MOSQUEDA, EDUARDO V. UNITED STATES  
98-9378 KEITH, KEVIN V. OHIO  
98-9386 BECKWITH, RICHARD L. V. UNITED STATES  
98-9394 ASAMDAH, GEORGE V. UNITED STATES  
98-9398 HERNANDEZ, ANTONIO V. UNITED STATES  
98-9403 GRANT, WILLIAM V. UNITED STATES  
98-9414 KIRKPATRICK, MICHAEL J. V. UNITED STATES  
98-9418 ABLES, CURTIS D. V. UNITED STATES  
98-9419 ARAIZA, MIGUEL A. V. UNITED STATES  
98-9427 BROWN, ROBERT L. V. UNITED STATES  
98-9429 BRITTON, PATRICK C. V. UNITED STATES  
98-9432 LITTLE, THERESA L. V. UNITED STATES  
98-9433 McCULLOUGH, PERRY A. V. UNITED STATES  
98-9434 PILOTO, RAUL A. V. UNITED STATES  
98-9435 O' CAMPO, JUAN M V. UNITED STATES  
98-9436 PRATHER, OSCAR L. V. UNITED STATES  
98-9439 COLE, SAMUEL V. UNITED STATES  
98-9445 DAVIS, LAMONT V. UNITED STATES

98-9446 HERNANDEZ, JOEL V. UNITED STATES  
98-9449 FORE, HARRY L. V. UNITED STATES  
98-9452 GORDON, ANTHONY V. UNITED STATES  
98-9453 DEUTSCH, FRANCIS T. V. UNITED STATES  
98-9454 HOLT, GARY W. V. UNITED STATES  
98-9455 PAYNE, GERALD M. V. UNITED STATES  
98-9456 PERKINS, DARIUS K. V. UNITED STATES  
98-9458 PETREYKOV, SAVELY, ET AL. V. NEW YORK CITY  
98-9460 SNYDER, YON C. V. UNITED STATES  
98-9461 HENRY, CHARLES G. V. UNITED STATES  
98-9462 HALL, LARRY D. V. UNITED STATES  
98-9464 ROBINSON, JOSEPH P. V. UNITED STATES  
98-9472 HELMS, JIMMIE D. V. UNITED STATES  
98-9474 ESCOBAR, JULIO A. V. UNITED STATES  
98-9476 ERNEST, RALPH V. UNITED STATES  
98-9481 HOWELL, MAURICIO L. V. UNITED STATES  
98-9487 HOWARD, GERALD V. UNITED STATES  
98-9488 GOMEZ-SALINAS, FELIPE V. UNITED STATES  
98-9493 CHEESE, TROY L. V. UNITED STATES  
98-9494 BOSTIC, MICHAEL J. V. UNITED STATES  
98-9496 CHAMBERS, JAMES V. BOWERSOX, SUPT., POTOSI CC  
98-9497 WILSON, JEREMY V. UNITED STATES  
98-9498 LAIHEN, CLIFFORD V. UNITED STATES  
98-9499 MOORE, KEITH V. UNITED STATES  
98-9501 McCUE, RICHARD F. V. UNITED STATES  
98-9508 QUINTANILLA, MARCIAL V. UNITED STATES  
98-9512 CYPROWSKI, DANIEL V. UNITED STATES

98- 9513 TURNER, EDWARD V. UNITED STATES  
98- 9518 ROBERTS, BRUCE V. UNITED STATES  
98- 9519 WELLS, RODORRIO V. UNITED STATES  
98- 9524 CLING, VINCENT J. V. UNITED STATES  
98- 9529 GORDON, MICHAEL O. V. UNITED STATES  
98- 9531 FRANCIS, RAYMOND J. V. UNITED STATES  
98- 9533 GOODSON, TERRENCE E. V. UNITED STATES  
98- 9554 MARCUM, HARRISON M V. SMITH, WARDEN

The petitions for writs of certiorari are denied.

**HABEAS CORPUS DENIED**

98- 9514 IN RE JOSEPH E. TAYLOR

The petition for a writ of habeas corpus is denied.

**REHEARINGS DENIED**

98- 8109 LOWERY, BYRON V. FLORIDA  
98- 8379 PAUL, ALEXANDER V. UNITED STATES  
98- 8414 CHILDRESS, WALTER E. V. APPALACHIAN POWER COMPANY  
98- 8453 GARDNER, RAYFORD L. V. KENTUCKY

The petitions for rehearing are denied.

**ATTORNEY DISCIPLINE**

D- 2051 IN THE MATTER OF DISBARMENT OF JOHN ALL BURGESS

John All Burgess, of South Burlington, Vermont,  
having been suspended from the practice of law in this  
Court by order of March 8, 1999; and a rule having been  
issued and served upon him requiring him to show cause

why he should not be disbarred; and a response having been filed;

It is ordered that John All Burgess is disbarred from the practice of law in this Court.

D-2057 IN THE MATTER OF DISBARMENT OF JAMES C. LUCAS

James C. Lucas, of Lansing, Michigan, having been suspended from the practice of law in this Court by order of March 29, 1999; and a rule having been issued requiring him to show cause why he should not be disbarred;

It is ordered that James C. Lucas is disbarred from the practice of law in this Court.

D-2083 IN THE MATTER OF DISBARMENT OF ROGER C. GOBLE

Roger C. Goble, of Arlington Heights, Illinois, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2084 IN THE MATTER OF DISBARMENT OF PAUL D. GIAMANCO

Paul D. Giamanco, of Mt. Vernon, Illinois, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2085 IN THE MATTER OF DISBARMENT OF CHRIS MAGLARAS, JR.

Chris Maglaras, Jr., of Las Vegas, Nevada, is suspended from the practice of law in this Court and a

rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2086 IN THE MATTER OF DISBARMENT OF STEPHEN L. SMITH

Stephen L. Smith, of Gulfport, Mississippi, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2087 IN THE MATTER OF DISBARMENT OF MERCER RANDALL PEEK

Mercer Randall Peek, of Conyers, Georgia, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2088 IN THE MATTER OF DISBARMENT OF JOHN EDWARDS ROBINS, JR.

John Edwards Robins, Jr., of Hampton, Virginia, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.